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16 DEMOCRATIC UNDERGROUND, LLC, and  
Defendant DAVID ALLEN

17 **UNITED STATES DISTRICT COURT**  
18 **FOR THE DISTRICT OF NEVADA**

19 RIGHTHAVEN LLC, a Nevada limited liability company, Case No. 2:10-cv-01356-RLH (GWF)  
20 Plaintiff,  
21 v.  
22 DEMOCRATIC UNDERGROUND, LLC, a District of  
Columbia limited-liability company; and DAVID ALLEN,  
an individual, **DECLARATION OF DAVID ALLEN IN**  
23 Defendants. **SUPPORT OF DEFENDANTS' MOTION**  
**FOR ATTORNEYS' FEES**

24 DEMOCRATIC UNDERGROUND, LLC, a District of  
Columbia limited-liability company,  
25 Counterclaimant,  
26 v.  
27 RIGHTHAVEN LLC, a Nevada limited liability company,  
and STEPHENS MEDIA LLC, a Nevada limited-liability  
28 company,  
Counterdefendants.

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1 I, David Allen, Defendant in the above-captioned action, am the principal of Democratic  
2 Underground, LLC. I have personal knowledge of the matters set forth herein. If called upon, I  
3 could and would testify competently thereto.

4 1. Before this lawsuit, neither the *Las Vegas Review-Journal* nor Righthaven ever  
5 notified me or—to my knowledge—anyone else at Democratic Underground about the allegedly  
6 infringing post.

7 2. The first time I learned of any claim of infringement was when a reporter from the  
8 *Las Vegas Sun* contacted me, on August 11, 2010.

9 3. At that time, given Righthaven’s claims, I retained counsel from CyberLaw in  
10 Washington D.C. to defend Democratic Underground and myself. During approximately the one  
11 month I was represented by CyberLaw, I incurred and paid \$3,375 in fees and \$237 in expenses.  
12 Attached hereto as **Exhibit A** is a true and correct copy of an invoice I received from CyberLaw  
13 documenting these fees and expenses.

14 4. In August of 2010, I got in touch with the Electronic Frontier Foundation, a non-  
15 profit legal service organization, which agreed to represent me on a *pro bono* basis. Subsequently  
16 I was also represented by the law firms of Winston & Strawn LLP and Fenwick & West LLP.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct.

19 Dated: April 10, 2012

\_\_\_\_\_  
/s/ David Allen  
David Allen

21 **ATTORNEY ATTESTATION**

22 In accordance with the Court’s Special Order No. 109, dated September 30, 2005, I  
23 hereby attest that concurrence in the filing of this document has been obtained from the  
24 signatories indicated by a “conformed” signature (/s/) within this e-filed document:

25  
26 \_\_\_\_\_  
/s/ Laurence Pulgram  
Laurence Pulgram